

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No. 12366 of 2015  
Date of decision: 24.08.2015

Virender Kumar & others

....Petitioner(s)

Versus

Secretary National Institute of Open Schooling

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr.Pankaj Mehta, Advocate, for the petitioner.

Mr. Harsh Aggarwal, Advocate, for the respondents.

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**G.S.SANDHAWALIA, J. (Oral)**

1. Prayer in the present writ petition is for quashing the action of the respondents whereby the respondent-authorities have cancelled the admission forms of the petitioners for the course of secondary/senior secondary under National Institute of Open Schooling for the session 2014-15, due to the non-providing of the address proof of the petitioners. Directions have been prayed for revival of the admission and to receive the examination fees.

2. The petitioners applied for the admission in secondary/senior secondary course on online system on 11.03.2015, 13.03.2015 and 28.03.2015, respectively. Admittedly, they were required to submit proper address proof within 2 days, as per the information on the website which was uploaded on 31.03.2015, 07.04.2015 and 08.04.2015, respectively. On 04.06.2015, the petitioners became aware that the admission has been cancelled on account of non-furnishing of the address proof and on account of non-submitting the applications within the prescribed period from registration in case of the three candidates.

3. The petitioners approached this Court and on 12.06.2015, they were given liberty to deposit the examination fees. However, it was made clear that mere deposit of the fees would not confer right upon the petitioners to claim their appearance in the examination to be held in September, 2015.

4. In the written statement filed, it has been averred that the condition of residential address was a mandatory condition and once there was no address proof, the admission was liable to be cancelled. Reference was made that one Naresh Kumar had been working as a tout and had sent the applications by mentioning his own address in the case of seven petitioners out of ten, namely, petitioners No.1, 3 to 8. Regarding petitioners No.2, 9 & 10, the hard copy of the admission forms was not received within the stipulated period and it was only done after a delay of 44 days, 32 days and 36 days, respectively. In such circumstances, the defence taken is that it is not as per the conditions of the prospectus and the deposit not being within the prescribed time, strict adherence to the schedule is to be followed. It has also been averred in the written statement that the petitioners have not complied with the interim orders of this Court and the fees has still not been deposited.

5. Counsel for the petitioners submits that an application was filed on 29.06.2015, for depositing the fees and handed over photocopy of the same.

6. The said submission is controverted by counsel for the respondents by submitting that the application was also submitted by the alleged tout.

7. A perusal of the application would go on to show that the deposit was liable to be made in Court whereas, no such direction had been issued. It is, thus, apparent that even after having been granted indulgence by this Court, the petitioners have not complied with the said direction. The relevant clause whereby the amount was to be deposited within the prescribed period of one week from the date of registration and 10 days, thereafter, reads as under:

“The learner will be required to send a print-out of the internet filled in Application form (not the acknowledgement receipt) along with demand draft in case of payment option (B) and relevant documents at the address given in the instructions within a week of registration. Candidate must mention their names and registration number on the back of the photograph before affixing and also on the back of Bank Draft of fee if fee is paid through Bank Draft. Confirmation of admission of On-line learners will be subject to the receipt of the Application Form alongwith the required documents and requisite fees. If the form is not received within another Ten days at NIOS Regional Centre, your admission may be cancelled.”

8. The chart (Annexure R2) would also go on to show that apart from 3 candidates, the addresses of all the petitioners was 'C/o Naresh Kumar, Gali No.2 W.No.13, Tarsem Nagar, Behind Baba Balk Nath Mandir Hisar, Haryana 125001'. The purpose of the admission by way of open schooling is also to ensure that genuine persons take admission and give examination and the requirement of furnishing the address of residence by way of Ration Card or AADHAR Card, is only for eliminating the bogus candidates sitting in the examination. Once the necessary proof of residence had not been furnished, no fault can be found in the action of the authorities in refusing the admission. Regarding the admission of the other 3 candidates, admittedly, their applications have been received beyond the stipulated period, as provided by the clause.

9. A Full Bench of this Court in **Rahul Prabhakar Vs. Punjab Technical University, Jalandhar 1997 (3) PLR 13** has held that the information brochure has the force of law and the conditions have to be strictly construed. It was held that delay on account of postal authorities in delivering the necessary documents for the purpose of admission could not be regularized and the last date for admission could not be extended. It is for the petitioners to remain vigilant for their rights. The sacrosanct dates cannot be extended and in the present case, the petitioners have themselves failed to comply with the conditions and therefore, no ground is made out for interference.

10. Writ petition, accordingly, stands dismissed.

24.08.2015  
sailesh

(G.S. SANDHAWALIA)  
JUDGE